

REMARKS/ARGUMENTS

Applicants have carefully reviewed the Final Office Action mailed on December 20, 2006. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. Claims 1-46 remain pending, of which claims 33-46 have been withdrawn from consideration.

Rejections Under 35 U.S.C. §103

Claims 1-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson et al., U.S. Pub. No. 2001/0009980 (hereinafter "Richardson") in view of Kaldany, U.S. 5,222,949. In order for a combination of references to render a claim obvious, each and every element of the claim must be present in the cited prior art. See M.P.E.P. §2143.03. Applicants respectfully assert that all elements of the claims are not taught in the combination of Richardson and Kaldany.

The Examiner indicated that Richardson et al. discloses the claimed invention "except for a plurality of discrete affixation points wherein each discrete affixation point is separated from other discrete affixation points by areas where the polymer sleeve is not affixed to the coil." (See paragraph 4 of the Office Action.) However, the Examiner asserted that Kaldany teaches an "intracorporal device comprising: the application of radiation (Abstract) for affixation to a plurality of discrete affixation points (20) along said device, as best seen in Figures 1a and 1b, wherein each discrete affixation point is separated from the other discrete affixation point by areas where the polymer sleeve is untreated (10)." Applicants respectfully disagree with the Examiner's characterization of Kaldany, and Applicants assert that this combination of references does not teach all elements of the claims.

Each of the independent claims under consideration recites, among other things, a plurality of discrete affixation points, wherein each discrete affixation point fixes the thermoplastic polymer sleeve to two or more coil windings, and wherein each discrete affixation point is separated from other discrete affixation points by areas where the polymer sleeve is not affixed to the coil. As indicated by the Examiner, Richardson fails to teach or disclose these limitations.

In addition, Kaldany fails to teach at least this portion of the independent claims. Kaldany teaches a flexible, noncollapsible tube with hard and soft regions. As one example, Figure 1a shows a tube 30 that comprises a hardenable polymer, such as polyurethane with polybutadiene, which stiffens when exposed to ultraviolet energy or thermal energy. See column 3, lines 19-22. In other words, Figure 1 of Kaldany simply discloses a catheter shaft that is made of a material that can be selectively hardened by exposing selected portions of the shaft to ultraviolet or thermal energy. Nothing in Kaldany discloses anything about creating a plurality of discrete affixation points, wherein each discrete affixation point fixes the thermoplastic polymer sleeve to two or more coil windings, and wherein each discrete affixation point is separated from other discrete affixation points by areas where the polymer sleeve is not affixed to the coil, as recited by the independent claims. In fact, Applicants do not know how the selective hardening of a polymer disclosed in Kaldany relates at all to the formation of discrete affixation points as described in the claims.

It appears from the Examiner's comments that there is a misunderstanding about the nature of the disclosure in Kaldany. Kaldany does not disclose a thermoplastic polymer sleeve that is affixed to a coil at all, much less a thermoplastic polymer sleeve that is affixed to a coil in the manner recited in the claims. The Examiner has pointed to Figures 1a and 1b of Kaldany as showing discrete affixation points (20) separated by areas where the polymer sleeve is untreated (10). However, element 20 in Kaldany is simply the hardened portion of the polymeric tube 30. Element 20 is not disclosed as being affixed to anything at all, much less affixed to a coil as recited in the independent claims of the current application. Simply put, neither Richardson nor Kaldany disclose anything about a plurality of discrete affixation points, wherein each discrete affixation point fixes the thermoplastic polymer sleeve to two or more coil windings, and wherein each discrete affixation point is separated from other discrete affixation points by areas where the polymer sleeve is not affixed to the coil, as recited in the independent claims.

Because the combination of Richardson and Kaldany do not disclose each and every element of claims 1, 9, 17 and 25, Applicants assert that these claims are allowable over these references. Because they are dependent on claims 1, 9, 17 and 25 and because they recite

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additional patentably distinct elements, Applicants also assert that claims 2-8, 10-16, 18-24 and 26-33 are allowable over these references.

Conclusion


Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his attorney,

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